

REMARKS**Rejections**

Claims 2-3, 5-7, 9, 10, 12, 14-16, 18-19, 30 and 31 are pending and stand rejected.

Some claims stand rejected under 35 USC § 103 as inpatentable over Hogan in view of Maenza. Some of the claims also stand rejected further in view of Newman.

New Feature

The claims as amended are directed to a feature not claimed earlier. This feature is understood with reference to the specification as filed at pages 7, 13 and 14. As explained in the first paragraph on page 7:

In embodiments of the invention, the data patterns of the authenticating signature have been applied to an optical disc during its mastering process. Specifically, the data patterns are chosen to cause digital sum value (DSV) problems, and are scrambled using the exclusive Or (XOR) algorithm which is to be used in the mastering process, the mastering process then comprises the steps of applying the scrambled data patterns to the optical disc such that the scrambled data patterns are themselves scrambled using the XOR algorithm whereby the scrambling process outputs the chosen data patterns for application of the optical disc.

Further explanation is at page 13, third paragraph describing the prior art approach:

To help insure that the final arrangement of pits and lands meet the EFM coding rules for DSV, the data at 12 is then scrambled as shown at 18 using an XOR algorithm.

Continuing at page 14 first paragraph referring to the new feature in accordance with the invention:

The data patterns intended to provide an authenticated signature are XOR'd with the same pattern of scrambling data as is used in the scrambling process indicated at 18. ... It will be appreciated that when

the scrambled data is subjected to the XOR algorithm on encoding, each byte from the sector will be returned to its original value.

Continuing at the final sentence of the third paragraph on page 14:

The glass master is created to have the authenticated signature on it by overcoming the effects of the XOR scrambling and the CIRC encoding as described above.

To put this in another way, the present process is intended to be used with commercially available standard type encoders for mastering discs. It does not require the special encoders of the Hogan reference. As pointed out above, the conventional methods for encoding data onto discs, as acknowledged in the present specification, are specifically intended to reduce the likelihood that any data patterns which will provide DSV problems will be applied to the discs. Thus, the present process is used with this to make sure that the data patterns get past the encoding process, so they still operate in fact on the disc to create the DSV problems. Hence the present specification describes, as quoted above, the process of “exclusive ORing” the data patterns with the scrambling data before their application to the encoding process.

Clearly, nothing like this is described in Hogan. First, it is respectfully submitted that Hogan does not have an authenticating signature. There is no suggestion in the portions of Hogan cited by the Examiner of the provision in Hogan of any authenticating signature. There also appears to be no recognition in any of the references cited in this case that data patterns causing DSV problems could be used for an authenticating signature.

Further, it is also clear that there is nothing like the pre-mastering “exclusive ORing” of the data patterns in Hogan. There is also nothing like this in the other two cited references, Maenza and Newman.

Hence clearly this aspect is not shown in the present invention.

Claim Amendments

Therefore, the two independent claims, which are Claims 30 and 31, have been amended to be directed to this feature. With reference to method Claim 31, the currently added matter in the beginning of the body of the claim recites “providing data patterns; subjecting the data patterns to an exclusive Or (XOR) scrambling algorithm.” This is well supported by the passages from the specifications quoted above. Additionally, added to the final clause of Claim 30 is further matter directed to this aspect, so that this final clause of Claim 30 now reads “controlled by an encoder which applies the exclusive Or scrambling algorithm to the scrambled data patterns and the other data and which has a larger ability to look ahead. . . .” Again, this is directed to the new feature pointed out above and described in the specification at pages 7 and 14.

As pointed out above, first there is no authenticating signature in Hogan. Even if arguendo there is, Hogan does not arrive at his authenticating signature using the initial exclusive Or scrambling so as to make sure that the adjusted data patterns successfully pass through the subsequent conventional exclusive Or encoding, so that they actually are operative on the disc to provide the DSV problems.

Hence clearly this new feature is not shown in Hogan or in the other cited references and thereby Claim 30 distinguishes thereover, for at least this reason.

Claim 31 has been somewhat similarly amended as Claim 30 and hence distinguishes over the references for at least the same reasons as apply to Claim 30.

The remaining claims are dependent upon Claim 30 or 31 and hence allowable for at least the same reason as the base claim.

Hence all currently pending Claims 2, 3, 5-7, 9-10, 12, 14-16, 18, 19 and 30-31 are allowable and allowance thereof is requested. If the Examiner contemplates other action, he is requested to contact the undersigned at the telephone number given below.

CONCLUSION

Therefore it is respectfully submitted that all pending claims in this case are allowable and allowance thereof is requested. This Amendment is filed under Rule 34. The correspondence address remains that of Macrovision Corporation.

In the event that the U.S. Patent and Trademark Office determines that an extension of time and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or fees due in connection with the filing of this paper to the undersigned's **Deposit Account No. 03-1952** referencing docket no. 136922003800.

Dated: January 19, 2007

Respectfully submitted,

By 

Norman R. Klivans

Registration No.: 33,003

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-5850